

## **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application. Independent Claims 26, 44 and 52 are amended. Dependent claims 31, 32, 43, 45, 46, 48, 49, 51, 53 and 54 are amended to maintain antecedent basis. New Claims 55-64 have been added. Claims 26, 28-33 and 43-64 are now pending in this application.

## **35 U.S.C. § 102**

Claims 26 and 28, 30-33, 43-45, and 47-54 stand rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,704,714 to O'Leary et al. (hereinafter "O'Leary"). The Applicant has amended independent Claims 26, 44, and 52 to more particularly recite the claimed subject matter and to expedite allowance of the subject Application. Therefore, the Applicant believes that the §102 rejections have been obviated. Applicant respectfully submits that Claims 26 and 28, 30-33, 43-45, and 47-54, as amended, are not anticipated by O'Leary.

O'Leary describes a method and system for processing internet payments. A push model is used in which the consumer pushes payment to the merchant rather than the merchant pulling payment from consumer accounts. An EFT transfer is made to credit the merchant from the consumer's own bank. *O'Leary, col. 8 lines 40-57*. Consumers need not authenticate themselves to the merchant. Financial transactions are limited solely to the consumer's own financial institution. The method allows consumers to conduct online shopping without providing financial information to merchants. *O'Leary, col. 18 lines 35-56*.

However, for the reasons that follow O'Leary fails to disclose all the recited features of the Applicant's claims. For example,

**Claim 26** has been amended (portions of the amendment appear in bold italics) and as amended recites a computerized method comprising:

- maintaining on a server a plurality of payment accounts in a user-accessible electronic wallet corresponding to a particular user, wherein each said payment account stores information that identifies an associated external account where funds available to the user are maintained;
- restricting where funds in the external account identified by at least one said payment account can be spent;
- *receiving, from a merchant server, a request of the user to make a purchase at the merchant server using the electronic wallet;*
- *determining a set of the payment accounts in the electronic wallet that are useable to make the purchase; and*
- *generating, based on the determining, a display that identifies the set of payment accounts.*

Support for the amendment may be found throughout the Application as filed, for example FIGS. 5-6, Specification p. 32 line 19 - p. 32 line 19. O'Leary does not disclose, teach or suggest these features.

Applicant respectfully submits that there is no discussion in O'Leary of "receiving, from a merchant server, a request of the user to make a purchase at the merchant server using the electronic wallet", "determining a set of payment accounts in the electronic wallet that are useable to make the purchase" or "generating, based on the determining, a display that identifies the set of payment accounts" as recited in claim 26.

As previously mentioned O'Leary describes a method and system for processing internet payments. A push model is used in which the consumer

pushes a payment to the merchant rather than the merchant pulling payment from consumer accounts. *O'Leary, col. 8 lines 40-57.* Accordingly information exchange between users and merchant is avoided. An EFT transfer is made through an intermediary internet pay anyone (IPA) account of the consumer to credit a virtual private lockbox (VPL) account associated with the merchant. O'Leary describes a PPP wallet, but the PPP wallet is used to fund the IPA account of a user, but not to make purchases. Using the O'Leary Method, consumers conduct online shopping **without providing account information to merchants.** Thus, a consumer transfers an actual credit from the IPA to the merchant VPL rather than purchase information being passed between the consumer and merchant. The account transactions are limited solely to the consumer's own financial institution. *O'Leary, col. 18 lines 20-56.* In fact, O'Leary is directed precisely against making purchases using the wallet, and instead describes exclusively using the IPA account to make purchases as the following excerpted portions of O'Leary demonstrate:

Prior to conducting any on-line purchases or making any payments using the methods of the present invention, the consumer establishes an Internet Payment Account (IPA) 230 with its bank 220. Alternatively, a DDA account 230 can be used, but this is less preferable. For one reason, it is envisioned that only small payments are to be made from the IPA account 230 and accordingly less funds would be kept in the account as opposed to the funds normally maintained in a DDA account.

The IPA account 230 is a specialized account used specifically for electronic commerce in accordance with the present invention. Once the IPA account 230 has been established, the user is able to fund this account 230 from its normal DDA checking or savings accounts, consumer's Line

of Credit, or credit, or debit card account held by the bank 220 or any other account from which the consumer can transfer funds (e.g., another DDA account or credit card account at another financial institution). *O'Leary col. 11, lines 37-54.*

If the user has selected to purchase the item pursuant to the bill payment message from the merchant site 255, the PPP portion 227 of the PPP enhanced Wallet 215 in step 2H first verifies the user's balance in the primary IPA account 230 associated with the PPP enhanced Wallet 215. If there are insufficient funds in the IPA account 230, the user is asked if he/she would like to transfer funds from another account into the IPA account. Using online banking procedures, the PPP enhanced Wallet 215 is able to transfer funds from any account accessible by the PPP enhanced Wallet 215 into the IPA account 230. If there are sufficient funds in the IPA account 235, the PPP 227 generates a payment authorization message for transmission to the bank 220. *O'Leary col. 16, lines 5-18.*

As the previous excerpts show O'Leary describes funding and using the IPA for payment. While O'Leary describes a bill payment message from a merchant to the PPP, O'Leary makes no mention of a user purchase request using the wallet. Further, O'Leary fails to describe a receiving such a request from a merchant server. In fact, as noted O'Leary seeks to limit interactions and information exchange between user and merchants. In one portion, for instance, O'Leary makes the following assertion:

As is readily appreciated from the above description, the PPP enhanced Wallet 215 and the Virtual Private Lockbox (VPL) 235 significantly enhances the consumer and merchant experience when used for web shopping. The present invention completely solves one of the biggest problems of the prior art, the hesitancy of a consumer to provide financial account information over the Internet. Rather than the

merchant "pulling" in the consumers account information and requiring authentication of the consumer, the PPP enhanced Wallet 215 "pushes" an EFT credit message to the merchant's Virtual Private Lockbox, without the merchant ever obtaining the consumers account information. This transaction is virtually instantaneous, provides privacy, security, and convenience to the consumer--and guarantees funding, provides reconciliation, and supplies archival records to the merchant. *O'Leary col. 18, lines 8-23.*

Accordingly a user request for purchase received from the merchant server is contrary to the teachings of O'Leary. Further, the IPA accounts used in O'Leary for purchases are not part of the electronic wallet or PPP. Reference to O'Leary FIG. 2 for example clearly shows that IPA account is separate from the wallet. O'Leary further describes:

The structural components to the system of the present invention include: a Payment Portal Processor; a digital Wallet; an Internet Pay Anyone (IPA) Account; a Virtual Private Lockbox (VPL); an Account Reporter; the existing EFT networks; and a cash card. The Payment Portal Processor (PPP) is a software application that augments any Internet browser with e-commerce capability. The PPP software sits in front of and provides a secure portal for accessing (linking to) the user's Demand Deposit Accounts (DDA) and IPA accounts. The PPP enables the user to push electronic credits from its DDA and IPA accounts to any other accounts through the EFT network. *O'Leary col. 18, lines 52-63.*

Applicant submits this is a clear teaching that the IPA is not the part of the wallet. Thus, assuming for the sake of argument only that O'Leary was construed as disclosing a user purchase request, it is still O'Leary still fails to disclose, teach or

suggest “purchase using the wallet” as recited in claim 26, and in fact teaches against doing so.

Further, O’Leary is silent as to “determining a set of payment accounts in the electronic wallet that are useable to make the purchase”. Additionally O’Leary fails to disclose “generating, based on the determining, a display that identifies the set of payment accounts”. No such determination, generation, or display of a set of accounts useable at a merchant server may be found in the disclosure of O’Leary. For at least these reasons, Applicant respectfully submits that amended claim 26 is allowable over O’Leary.

**Claims 28-33 and 43** depend from claim 26 and are allowable over O’Leary for at least the reasons discussed above with respect to claim 26. These claims are also allowable for their own recited features which O’Leary does not disclose, teach or suggest.

**Claim 44** has been amended and as amended (amended portion in bold italics) recites one or more computer readable media having stored thereon instructions that, when executed by one or more processors, causes the one or more processors to:

- maintain on a server payment accounts in a user-accessible electronic wallet corresponding to a particular user, wherein the payment accounts store information that identifies external accounts where funds available to the user are maintained;
- restrict where funds in the external account identified by a respective said payment account can be spent;
- *receive, from a merchant server, a request of the user to make a purchase at the merchant server using the electronic wallet;*
- *determine a set of the payment accounts in the electronic wallet that are useable to make the purchase; and*

- *generate, based on the determining, a web page displayable to the user which identifies the set of the payment accounts.*

Applicant respectfully submits that as previously described above regarding claim 26, O'Leary fails to disclose the recited features of claim 44. In particular for reasons similar to those articulated regarding claim 26, O'Leary fails to disclose "receive, from a merchant server, a request of the user to make a purchase at the merchant server using the electronic wallet", "determine a set of payment accounts in the electronic wallet that are useable to make the purchase" or "generate, based on the determining, a web page displayable to the user which identifies the set of payment accounts" as recited in claim 44.

For at least these reasons, Applicant respectfully submits that amended claim 44 is allowable over O' Leary. Applicant respectfully requests that the §102 rejection be withdrawn.

**Claims 45-51** depend from claim 44 and are allowable over O'Leary for at least the reasons discussed above with respect to claims 26 and 44. They are also allowable for their own recited features which O'Leary does not disclose, teach or suggest. For at least these reasons, Applicant respectfully submits that claims 45-51 are allowable over O'Leary. Applicant respectfully requests that the §102 rejections be withdrawn.

**Claim 52** has been amended and as amended (amended portion in bold italics) recites a system comprising

- a server having:
  - a processor; and
  - a memory configured to maintain instructions executable on the processor to provide:

- means for maintaining on the server payment accounts in a user-accessible electronic wallet corresponding to a user, wherein the payment accounts store information that identifies external accounts where funds available to the user are maintained;
- means for restricting where funds in the external account identified by at least one said payment account can be spent;
- *means for receiving, from a merchant server, a request of the user to make a purchase at the merchant server using the electronic wallet;*
- *means for determining a set of the payment accounts in the electronic wallet that are useable to make the purchase; and*
- *means for generating, based on the determining, a listing displayable to the user which identifies the set of the payment accounts.*

Applicant respectfully submits that, as previously described above regarding claim 26, O’Leary fails to disclose the recited features of claim 52. In particular for reasons similar to those articulated regarding claim 26, O’Leary fails to disclose “means for receiving, from a merchant server, a request of the user to make a purchase at the merchant server using the electronic wallet”, “means for determining a set of payment accounts in the electronic wallet that are useable to make the purchase” or “means for generating, based on the determining, a listing displayable to the user which identifies the set of payment accounts” as recited in claim 52.

For at least these reasons, Applicant respectfully submits that amended claim 52 is allowable over O’Leary. Applicant respectfully requests that the §102 rejection be withdrawn.

**Claims 53-54** depend from claim 52 and are allowable over O’ Leary for at least the reasons discussed above with respect to claims 26 and 44, 52. They are also allowable for their own recited features which O’Leary does not disclose,



teach or suggest. For at least these reasons, Applicant respectfully submits that claims 53-54 are allowable over O'Leary. Applicant respectfully requests that the §102 rejections be withdrawn.

### **35 U.S.C. § 103**

Claims 32 and 46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Oneda in further view of Examiner's Official Notice.

**Claims 32 and 46** depend respectively from claims 26 and 44 and as previously noted are allowable based at least upon these respective dependencies. Accordingly, Applicant request that the § 103 rejections of claims 32 and 46 be withdrawn.

### **New Claims**

New claims 55-64 are added.

With respect to **new claims 55-58**, new claims 55-58 each depends directly or indirectly from amended claim 52 and Applicant respectfully submits each is allowable over O'Leary at least because of dependency to amended claim 52. Furthermore, Applicant respectfully submits that new claims 55-58 each include additional elements which are not disclosed, taught or suggested by O'Leary. For at least these reasons, Applicant respectfully submits that new claims 55-58 are allowable over O'Leary.

With respect to **new claims 59-61**, new claims 59-61 each depends directly or indirectly from amended claim 26 and Applicant respectfully submits each is allowable over O'Leary at least because of this dependency to amended claim 26.

Furthermore, Applicant respectfully submits that new claims 59-61 each include additional elements which are not disclosed, taught or suggested by O'Leary. For at least these reasons, Applicant respectfully submits that new claims 59-61 are allowable over O'Leary.


With respect to **new claims 62-64**, new claims 62-64 each depends directly or indirectly from amended claim 44 and Applicant respectfully submits each is allowable over O'Leary at least because of this dependency to amended claim 44. Furthermore, Applicant respectfully submits that new claims 62-64 each include additional elements which are not disclosed, taught or suggested by O'Leary. For at least these reasons, Applicant respectfully submits that new claims 62-64 are allowable over O'Leary.

### **Conclusion**

Claims 26, 28-33 and 43-64 are in condition for allowance. Applicant respectfully requests reconsideration and issuance of the subject application. Should any matter in this case remain unresolved, the undersigned agent respectfully requests a telephone conference with the Examiner to resolve any such outstanding matter.

Respectfully Submitted,

Date: 1/26/06

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